

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

HOLLI WRICE,)	
)	
Petitioner,)	
)	
v.)	No. 1:25-cv-00051-SNLJ
)	
MICHAEL SEGAL,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of a letter filed by self-represented Petitioner Holli Wrice “in regards to a sentence reduction [she] never received.” ECF No. 1 at 1. Petitioner alleges that she reached an agreement with the government that she would dismiss her § 2255 case in exchange for a 26-month reduction in her sentence. According to Petitioner, she has not received that reduction of the “aggregate total of [her] sentence by 26 months.” *Id.* at 3.

According to a review of Court records, Petitioner was sentenced on January 21, 2011, to an aggregate term of 147 months, after pleading guilty on three criminal counts. *USA v. Wrice*, No. 1:09-cr-00084-SNLJ, ECF No. 83 (E.D. Mo. filed Apr. 23, 2009). On June 17, 2016, Petitioner filed a *pro se* motion to vacate, set aside, or correct that sentence under 28 U.S.C. § 2255. *Wrice v. USA*, No. 1:16-cv-00131-SNLJ, ECF No. 1 (E.D. Mo.). After being appointed counsel, the parties eventually reached an agreement that Petitioner would be re-sentenced in her criminal matter in exchange for dismissing her § 2255 petition. *Id.* at ECF No. 44. On June 8, 2020, Petitioner was resentenced to

an aggregate term of 121 months—a reduction of 26 months. *USA v. Wrice*, No. 1:09-cr-00084-SNLJ, ECF No. 116.

Based on these records, Petitioner did receive a 26-month reduction in her federal criminal sentence issued by this Court. As such, Petitioner does not appear to be challenging the legality of her federal sentence but instead, the execution of her sentence. Therefore, the Court will construe the petition as seeking relief under 28 U.S.C. § 2241. *See U.S. v. Clinkenbeard*, 542 F.2d 59, 60 (8th Cir. 1976) (where petitioner brings a “claim related to the manner in which the sentence is being executed, as opposed to the legality of the sentence ... [s]uch a claim is properly cognizable in a habeas corpus petition under section 2241.”).

However, Petitioner’s letter is defective as a petition initiating suit because it was not drafted on a Court form as required by the Local Rules. *See* E.D. Mo. Local Rule 2.06(A) (“All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms where applicable. If an action is not filed on a Court-provided form, the Court, in its discretion, may order the self-represented plaintiff or petitioner to file the action on a Court-provided form.”). The Court will direct the Clerk of Court to send Petitioner a blank “Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241” form. Petitioner will have thirty (30) days from the date of this Order to file an amended petition on the Court-provided form.

In addition, Petitioner has neither paid the filing fee nor filed a motion for leave to proceed *in forma pauperis*. She must do one or the other in order for this case to proceed. *See* E.D. Mo. Local Rule 2.01(B)(1) (“The Clerk may refuse to receive and file any

pleading or document in any case until the applicable statutory fee is paid, except in cases accompanied by a completed application to proceed in forma pauperis.”). Petitioner must either file a motion to proceed *in forma pauperis* or pay the \$5.00 filing fee, within thirty (30) days of the date of this Order.

Accordingly,

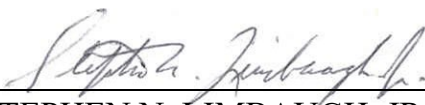
IT IS HEREBY ORDERED that the Clerk of Court shall mail to Petitioner blank copies of the Court’s “Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241” form and “Motion to Proceed *in Forma Pauperis* and Affidavit in Support – Habeas Cases” form.

IT IS FURTHER ORDERED that, within **thirty (30) days** of the date of this Order, Petitioner shall file an amended petition on the Court-provided form.

IT IS FURTHER ORDERED that, within **thirty (30) days** of the date of this Order, Petitioner shall either pay the \$5.00 filing fee or submit a motion to proceed *in forma pauperis* on the Court-provided form.

IT IS FURTHER ORDERED that if Petitioner fails to comply with this Order, the Court will dismiss this action without prejudice.

Dated this 29th day of May, 2025.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE